

**SOP Title: Workplace Disputes****July 18, 2005****Deputy Area/Division: Deputy Chief for Management, Alternative Dispute Resolution****Revision:****Page 1 of 3****1. Purpose:**

To provide the Standard Operating Procedure (SOP) for requesting services administered by the Alternative Dispute Resolution (ADR) Staff.

**2. Scope:**

This SOP will be followed by all persons seeking resolution of workplace or program conflict using ADR techniques.

**3. Outline of Procedures:**

- 4.1 Explanation of ADR Terms
- 4.2 Requesting Mediation
- 4.3 Requesting ADR Training

**4. Specific Procedures****4.1 Explanation of ADR Terms**

- A. Alternative Dispute Resolution (ADR) refers to a variety of conflict resolution techniques used by a neutral third party to help individuals resolve disputes.
- B. Consultation refers to contact with a person involved in a dispute seeking information or help with problem solving from the ADR program staff.
- C. Early Intervention is an attempt to resolve a conflict at the earliest stage possible.
- D. Equal Employment Opportunity (EEO) involves the right of persons to apply and be evaluated for employment opportunities without regard to race, color, religion, age, national origin, sex, reprisal or disability.
- E. Facilitation is the use of techniques to improve the flow of communication in a meeting between parties.
- F. Grievance is a request by an employee for personal relief in a matter of concern or dissatisfaction.
- G. Mediation is a problem-solving process designed to help individuals who are experiencing conflict through the use of a neutral third party.
- H. Neutral is the person who conducts, leads, or facilitates an ADR session. Neutrals include mediators, facilitators, and arbitrators.

**DIST: E**

- I. Parties refer to the agencies, employees, managers, or customers who are in conflict.
- J. Resolution is a decision reached by the parties that result in the total closure of a conflict, complaint, grievance, appeal, or litigation.
- K. Resolving Official (RO) in an EEO complaint is the manager authorized to make, change, accept, and approve proposals for resolution during an ADR session.
- L. Responding Management Official (RMO) in an EEO complaint is the supervisor, or other designated management official, who according to the complainant's allegations, is responsible for the action or made the decision that harmed the complainant.
- M. Program Disputes involve customers who file a complaint based on their receipt of an adverse decision.
- N. Training refers to a variety of sessions or briefings designed to provide participants more effective and efficient conflict management and communication skills.

#### 4.2 Requesting ADR Services

The ADR Staff (Director, ADR Specialist or ADR Assistant) receives a telephone call, e-mail or visit from an NRCS employee (non-supervisory/supervisory) or a referral from Civil Rights, Human Resources or Employee Relations. Mediation may also be requested by customers to address a program dispute.

##### A. Responsibilities of the Requesting Party

1. Contact the ADR Staff at 5601 Sunnyside Avenue, Room 1-2130, Beltsville, Maryland, 20705 or on (301) 504-2287.
2. For EEO: Mediation is initiated through the Civil Rights Office; the complainant has up to 5 business days to sign an ADR election form.
3. For Administrative Grievance: Mediation is initiated through your servicing human resources office to resolve a grievance.
4. For Program: Mediation is initiated in States that have a USDA-certified State Agricultural Mediation Program when they have been issued an adverse decision relating to a program complaint.

##### B. Responsibilities of the ADR Staff

1. Conduct intake process with requesting party 1.
2. Explain ADR options, timeframes, and other types of dispute resolution.
3. Contact party 2 to see if they are willing to mediate.
4. Discuss schedules with both parties to determine possible dates for mediation.
5. Select a mediator and neutral location away from the parties' official duty station.
6. Provide documentation to all parties, including representatives, if applicable.
7. Provide mediation forms to the mediator.
8. If expenses (i.e., travel, per diem, contract mediator, etc.) are incurred, contact the NRCS State Office to assume financial obligations associated with a mediation involving their employees or customers.

9. For EEO: The original EEO Resolution Agreement will be provided to the Civil Rights Office.
10. For Grievance: The original Administrative Grievance Resolution Agreement will be provided to the employee's servicing human resources office.
11. For Program: Advise all customers, whom an adverse program decision has been issued, that mediation is an option in States which there is no USDA-certified State Agricultural Mediation Program.

C. Responsibilities of the Mediator

1. Clearly state to the parties prior to the start of mediation that as the mediator their role is to remain neutral and impartial and that they do not have any decision-making authority. Facilitate the discussion between the parties in mediation.
2. Obtain signatures from parties on "Agreement to Mediate" form.
3. Destroy all notes taken during the mediation process.
4. Advise parties of other options if mediation is not successful.
5. Give parties Mediation Evaluation form with addressed envelope.
6. Give original mediation documentation to the ADR Office.

#### 4.3 Requesting ADR Training

The ADR Program provides a variety of training sessions for employees at all levels, including supervisors and managers. Training may be requested by NRCS or USDA employees.

- A. Conflict Management (CMT) is an interactive training designed to provide participants with tools to help them achieve more effective and efficient conflict management.
- B. Communication Training is designed to enhance your ability to communicate more effectively with employees and customers.
- C. ADR Awareness Briefing is designed to create awareness and promote usage of the Alternative Dispute Resolution (ADR) program.

#### 5. Technical Contact:

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7/18/05

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Approved By: Dr. Linda Varner Mount  
Acting Director, Alternative Dispute Resolution Staff

Date

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